

REMARKS

Claims 1-6, 8, 13-15, 21, 25, 28, 29, 40, and 41 were pending in the application; all pending claims were rejected. The Applicants have amended claims 1, 14, 25, and 28. Claims 5, 21, 40, and 41 have been canceled. Accordingly, claims 1-4, 6, 8, 13-15, 25, 28, and 29 are currently pending in the application.

35 U.S.C. § 112 ¶1

The Examiner rejects claims 14-15, 21, and 40 under 35 U.S.C. § 112, first paragraph, for failing to reasonably convey that the inventor had possession of the invention at the time the application was filed. (Office Action, at 2). Applicants have amended claim 14 to remove the phrase "without changing the conveying belt", so that neither claim 14 nor claim 15, which depends from claim 14, include the substance of the rejection. Additionally, claims 21 and 40 have been canceled. Therefore, the Applicants respectfully request that the rejection of claims 14 and 15 under 35 U.S.C. § 112, first paragraph, be withdrawn.

35 U.S.C. § 112 ¶2

The Examiner rejects claims 5 and 28 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, at 3). Claim 5 has been canceled. Claim 28 was rejected for reciting "the channel" without sufficient antecedent basis. The Applicants have amended claim 28 to remove the term "the channel" and to add the term "the slot", which has antecedent basis found in claim 25. Therefore, the Applicants respectfully request that the rejection of claim 28 as indefinite under 35 U.S.C. § 112, second paragraph, be withdrawn.

35 U.S.C. § 102

Claims 1-4, 6, 8, 25, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,755,022 to Whittlesey ("*Whittlesey*"). Additionally, claims 25 and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,612,684 to Kollross ("*Kollross*").

For a claim to be anticipated under 35 U.S.C. § 102, the anticipating reference must disclose, teach, or suggest each limitation of the claim. The Applicants have amended claims 1

and 25 to recite, among other things, “a first portion of the string loop protrudes through the entry into the slot while a second portion of the string loop is held simultaneously to the tape,” and “wherein the entry comprises an aperture in the clipping device.”

Whittlesey

The Examiner states that *Whittlesey* discloses “so that a string loop – 54 is transferred directly from the tape into an entry into a slot.” (Office Action, at 4). The Applicants respectfully submit that even if *Whittlesey* discloses the string loop-54 is transferred directly into the slot, as suggested by the Examiner (*Whittlesey* discloses a loop transfer arm 82 to remove the string loops from the tape prior to delivering the loops to the clipper), *Whittlesey* fails to disclose “a first portion of the string loop protrudes into the slot while a second portion is held simultaneously on the tape.” See *Whittlesey*, FIG. 1. Moreover, *Whittlesey* discloses that the loop transfer arm 82 must first remove the loop from the tape before the tape is delivered to the clipper. Therefore, *Whittlesey* teaches away from the claimed limitation of “a first portion of the loop protruding through the entry into the slot while a second portion of the loop is held to the tape,” as recited by claims 1 and 25, as amended.

Kollross

The Examiner states that *Kollross* discloses “transferring a string loop-34, directly from a tape into entry into a slot in the clipping device....” (Office Action, at 5). However, similar to the discussion above with respect to *Whittlesey*, the Applicants respectfully submit that *Kollross* fails to teach, disclose or suggest “a first portion of the string loop protrudes into the slot while a second portion is held simultaneously by the tape” as recited by claim 25, as amended.

Based on the foregoing, the Applicants respectfully submit that claims 1 and 25, along with claims 2-4, 6, 13-15 and 28, which depend from claims 1 and 25, respectively, are not anticipated by *Whittlesey* or *Kollross*. Accordingly, the applicants respectfully request that the rejections of claims 1-4, 6, 13-15, 25, and 28 under 35 U.S.C. § 102(b) over *Whittlesey* and/or *Kollross* be withdrawn.

35 U.S.C. § 103

The Examiner rejects claims 1-4, 6 and 8 under 35 U.S.C. § 103(a) as obvious over *Kollross* in view of *Whittlesey*. The Examiner states that *Kollross* fails to disclose the end portions of the loop are held by the clip between the clip and casing.” (Office Action, at 7). Obviousness requires that each element must be disclosed, taught or suggested by the combination of references, and that there must be some motivation or suggestion to combine the references to achieve the cited combination. As stated above with respect to claim 1, neither *Whittlesey* nor *Kollross* disclose “a first portion of the string loop protrudes through the entry into the slot while a second portion of the string loop is held simultaneously by the tape” as recited by claim 1, as amended. The Examiner states that *Kollross* discloses “wherein the entry is positioned in the slot and the tape is positioned relative to the entry so that when the food casing is positioned in the slot and the tape is positioned relative to the entry so that when the food casing is being closed with a clip, the clip draws the loop to the casing and holds the end portions of the loop—see for example figures 3-10.” (Office Action, at 7).

The Applicants respectfully submit that even if *Kollross* discloses that “the tape is positioned relative to the entry so that when the food casing is being closed with a clip, the clip draws the loop to the casing...”, *Kollross* does not disclose that “a first portion of the loop protrudes through the entry into the slot while a second portion is held simultaneously on the tape.” Additionally, the Applicants respectfully request the Examiner state the portion considered to be “the slot” disclosed by *Kollross*.

Dependent claims 2-4, 6, 8, and 13-15 incorporate the limitations of independent claim 1 which the Applicants have shown to be allowable. Because the Applicants have shown the independent claims to be allowable over the cited references, the Applicants respectfully submit that dependent claims 2-4, 6, 8, and 13-5 are allowable for at least the reasons discussed above with respect to claim 1.

Additionally, though the Examiner mentions claims 28 and 29 under the discussion of 35 U.S.C. § 103, the Applicants is unclear as to whether claims 28 and 29 were rejected under 35 U.S.C. § 103. Additionally, the Applicants have shown independent claim 25 to be allowable as

discussed above. Accordingly, the Applicants respectfully submit that claims 28-29, which depend from claim 25, are allowable for at least the reasons claim 25 is allowable, and therefore request the apparent rejection of claims 28-29 under 35 U.S.C. § 103 be withdrawn. Alternatively, the Applicants respectfully request that the Examiner point out the references over which claims 28-29 are rendered obvious.

Based on the foregoing, the Applicants respectfully submit that each element of the claims is not taught or suggested by the combination of *Kollross* in view of *Whittlesey*, *Whittlesey* in view of *Kollross*, or *Whittlesey* and *Kollross* in view of U.S. Patent No. 5,842,915 to *Plewa et al.* ("*Plewa*") (claim 5, which was canceled, and claim 29, dependent from claim 25). Accordingly, the Applicants respectfully request that the rejection of claim 1 and 25, along with claims 2-4, 6, 8, and 13-5, and claims 28-29, which depend from claim 1 and 25, respectively, be withdrawn.

Enclosed is a \$950.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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Decker A. Cammack
Reg. No. 48,486

Fish & Richardson P.C.
5000 Bank One Center
1717 Main Street
Dallas, Texas 75201
Telephone: (214) 292-4049
Facsimile: (214) 747-2091